

**UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT**

JOSE GARCIA,
Plaintiff,

v.

UNIVERSITY OF CONNECTICUT
HEALTH CARE CENTER, ET AL.,
Defendant.

:
: CIVIL CASE NO.
: 3:16cv852(JCH)
:
:
:
: DECEMBER 21, 2018
:

RULING RE: PLAINTIFF’S MOTION TO AMEND COMPLAINT (DOC. NO. 99)

Now appearing through appointed, pro bono counsel, the plaintiff has moved for leave to amend his Complaint in two principle respects. First, the plaintiff seeks to add certain correctional officers and the acting deputy warden as party defendants. Second, the plaintiff seeks to add a request for injunctive relief concerning the use of Behavioral Observation Status in connection with the use of in-cell restraints for prisoners with severe mental health issues. See Memorandum in Support of Motion for Leave to Amend His Complaint (“Plaintiff’s Mem.”) (Doc. No. 99-2) at 1-2. Defendants oppose the request to amend in both regards.

Having reviewed the plaintiff’s Motion and Memorandum, the court determines to deny the Motion to Amend. While the court appreciates the work invested by pro bono counsel in their efforts to vigorously prosecute the plaintiff’s claims, the court concludes that the plaintiff has waited too long to raise the issue of adding additional parties. The defendants, in opposing the Motion to Amend, state that, more than a year and one-half before this Motion was made, the defendants in discovery provided the plaintiff with “a redacted version of the incident report generated on May 6, 2014.” Defendants’ Objection to Motion for Leave to Amend His Complaint (Doc. No. 102) at 5. That

incident report identified all persons involved in the incident at issue in this case.

Moreover, the addition of a request for injunctive relief requires a defendant in his or her official capacity. None of the current defendants are named in their official capacities.

The case is past the summary judgment stage, a Ruling has issued, and it is ready for trial. While the court appreciates that the plaintiff was proceeding pro se, and now with the benefit of appointed counsel may perceive the defendants' as different from the original defendants, it is just too long to wait in the course of this litigation. The plaintiff can, without undue delay and without any prejudice to the defendants named or needed to be named, proceed on his claim as to whether his rights were violated under the circumstances that presented themselves on the date in question.

SO ORDERED.

Dated at New Haven, Connecticut this 21st day of December 2018.

/s/ Janet C. Hall
Janet C. Hall
United States District Judge